

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

These amendments change the Medicaid criterion for the medical necessity of orthodontia for children by raising the minimum score on the Salzmann index to 26. (Orthodontia coverage for members over the age of 21 was eliminated in 2002.) The minimum Salzmann index score currently used to establish medical necessity for orthodontia is 21. Changing this criterion is one of the Medicaid cost containment strategies recommended by Governor Branstad. 2011 Iowa Acts, House File 649, authorizes the Department to implement these recommendations.

Of the 17 states that responded to a survey requesting Medicaid criteria for orthodontia, Iowa’s criterion is one of the most liberal. The survey showed that other Midwestern states have established criteria at the following indexes: Illinois at 42, Missouri at 28, Nebraska at 40, and Wisconsin at 30. The criterion used in Iowa’s HAWK-I program is 26. Changing the Iowa Medicaid criterion will align the policies of the two Iowa programs and move Iowa’s Medicaid criterion toward the level required by many other states.

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9702B**. Notice of Intended Action to solicit comment on these amendments was published as **ARC 9703B** on the same date. The Department received no comments on the Notice of Intended Action. The items have been changed to rescind the amendments that were previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on November 9, 2011.

These amendments do not provide for waivers in specified situations because the savings assumed in the Department’s appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

These amendments will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [78.4(8), 78.28(2)“d”] is being omitted. These amendments are identical to those published under Notice as **ARC 9703B** and Adopted and Filed Emergency as **ARC 9702B**, IAB 9/7/11.

[Filed 11/9/11, effective 1/4/12]

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